

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE STATE OF)
EMERGENCY FOR THE STATE OF)
DELAWARE DUE TO A PUBLIC HEALTH) PSC DOCKET NO. 20-0286
THREAT)
(OPENED APRIL 27, 2020))

ORDER NO. 9794

AND NOW, this 21st day of April 2021, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on March 12, 2020, Governor John C. Carney issued an Executive Order¹ declaring a state of emergency for the State of Delaware due to a public health threat as necessary to control and prevent the spread of COVID-19 within the State;

WHEREAS, Governor Carney issued a Sixth Modification to the Executive Order ("Sixth Modification") on March 24, 2020, prohibiting the termination of residential services and late fees for untimely payments during the state of emergency period for COVID-19;² and

WHEREAS, the Sixth Modification states, in pertinent part, the "[C]ommission has the authority to enforce and carry out this Section D against all Residential Service Providers utilizing its penalty authority under § 217 of Title 26 of the Delaware Code[;]"³ and

¹ Governor Carney's Declaration Of A State Of Emergency For The State Of Delaware Due To A Public Health Threat, (March 12, 2020) ("Executive Order"). The Executive Order and the modifications thereto are *available at* <https://governor.delaware.gov/health-soe/state-of-emergency/>

² See Sixth Modification at § D.

³ The Sixth Modification defines "Residential Service Providers," in relevant part, as "[an] electric, natural gas, propane, telegraph, telephone, water, wastewater, cable television, or internet service provider." *Id.* at § D.1.

WHEREAS, on May 13, 2020, the Commission authorized utilities to create a regulatory asset to record the incremental costs related to COVID-19 incurred to ensure that Delaware residents have essential utility services; and

WHEREAS, beginning July 1, 2020, under the Governor's 27th Modification, regulated utilities were permitted to resume residential disconnections; and

WHEREAS, on December 27, 2020, President Trump signed the Consolidated Appropriations Act, 2021 into law; and

WHEREAS, on March 11, 2021, President Biden signed the American Rescue Plan into law which provides for federal funding to assist residential ratepayers in paying their utility bills; and

WHEREAS, until the American Rescue Plan and/or Consolidated Appropriations Act funding becomes available, a temporary moratorium on residential disconnection until July 31, 2021 is necessary to ensure that residential customers continuing to suffer economic hardship do not lose access to essential utility services while a determination is made regarding the distribution of those funds;

NOW, THEREFORE, BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS, IT IS ORDERED THAT:

1. The Commission hereby authorizes a temporary moratorium on residential disconnection for all regulated utilities until July 31, 2021.
2. Each Utility shall work with the Commission Staff and Delaware Division of the Public Advocate ("DPA") to ensure that any available American Rescue Plan and/or Consolidated Appropriations Act funding is processed and made available to utility customers.

3. Requests for additional Commission actions related to the state of emergency shall be filed in this Docket.

4. The Commission reserves the jurisdiction and authority to enter such other or further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joann Conaway, Commissioner

Harold Gray, Commissioner

Manubhai “Mike” Karia, Commissioner

Kim F. Drexler, Commissioner

ATTEST:

Donna Nickerson, Secretary